

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
DR. FREDERICK K.C. PRICE, x
x
Plaintiff x
x
-against- x
x
JOHN STOSSEL, et al., x
x
Defendants. x
-----X

07 Cv. 11364 (SWK)

ORDER

USDC SDNY DOCUMENT ELECTRONICALLY FILED DATE FILED 3/5/08
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SHIRLEY WOHL KRAM, U.S.D.J.

WHEREAS plaintiff Dr. Frederick R.K. Price ("Price") has filed a complaint asserting legal claims stemming from the advertisement and broadcast of a report on the television program "20/20" (the "'20/20 Report'");

WHEREAS defendants John Stossel, Glenn Ruppel, and American Broadcasting Companies, Inc. (collectively, "ABC") seek to file a motion to transfer venue pursuant to 28 U.S.C. § 1404(a), and a motion to strike the complaint pursuant to California Civil Procedure Code § 425.16 (the "anticipated motions");

WHEREAS defendants Ole Anthony and Trinity Foundation, Inc. (together with ABC, the "Defendants") seek to join ABC's motions;

WHEREAS plaintiff Price seeks to conduct discovery in order to oppose the anticipated motions;

WHEREAS the Court reviewed the parties' written submissions and conducted a pre-motion conference on March 5, 2008, in connection with the anticipated motions;

IT IS HEREBY ORDERED that:

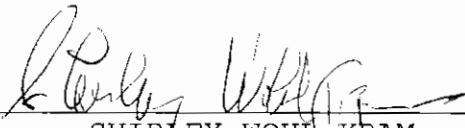
1. The Defendants are granted permission to file a motion to transfer venue pursuant to 28 U.S.C. § 1404(a);
2. Plaintiff Price's request for limited, expedited discovery of any motions to transfer to New York made by ABC in other cases is denied;
3. Plaintiff Price's request for limited, expedited discovery of the names and locations of all ABC employees who prepared the "20/20" Report is granted. ABC shall provide to Price a written submission from a person with firsthand knowledge setting forth the following information for each relevant employee: (a) full name; (b) position held at ABC during the preparation of the "20/20" Report; (c) responsibilities held in connection with the "20/20" Report; (d) current residence; and (e) current employment status with ABC;
4. Price's request for limited, expedited discovery of the geographical location of all ABC documents pertinent to this action is granted. ABC shall

provide to Price a written submission indicating (a) the current location of the original copies of all pertinent documents; (b) the current location of any subsequent copies of all pertinent documents; and (c) the approximate date(s) on which any original or subsequent copies of pertinent documents were sent from New York to California;

5. Price's request to gather the requested discovery information through depositions is denied;
6. On or before March 14, 2008, the parties shall file with the Court a stipulated discovery and briefing schedule for the Defendants' motion to transfer venue;
7. The Defendants' request for an extension from the statutorily-imposed deadline for the motion to strike the complaint is granted. If the motion to transfer is granted, the Defendants must file their motion to strike no later than 60 days after the case is docketed in the Central District of California. If the motion to transfer is denied, the Defendants must file their motion to strike no later than 60 days after the entry of an order denying the motion. This extension is granted as a precautionary measure and does not reflect any

formal determination that California Civil
Procedure Code § 425.16 is applicable in this case.

SO ORDERED.



SHIRLEY WOHL KRAM
UNITED STATES DISTRICT JUDGE

Dated: New York, New York
March 5, 2008